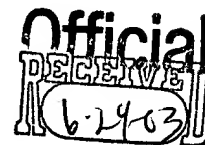


#12  
7/12/03  
PegRESPONSE UNDER 37 CFR 1.116  
EXPEDITED PROCEDURE  
GROUP ART UNIT 2171

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: David E. Simmen Examiner: Cindy Nguyen  
Serial No.: 09/669,556 Group Art Unit: 2171  
Filed: September 26, 2000 Docket: STL919990184  
Title: QUERY OPTIMIZATION TECHNIQUE FOR OBTAINING IMPROVED  
CARDINALITY ESTIMATES USING STATISTICS ON AUTOMATIC  
SUMMARY TABLES



## CERTIFICATE OF MAILING OR TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being filed via facsimile transmission to the U.S. Patent and Trademark Office on June 24, 2003.

By: [Signature]  
Name: George H. Gares

PETITION UNDER 37 C.F.R. §1.181

MAIL STOP AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This Petition is being submitted in accordance with M.P.E.P. §706.07(c) to invoke the supervisory authority of the Commissioner under 37 C.F.R. §1.181 involving an ex parte action in the above-identified patent application that is not subject to appeal and not otherwise provided for.

Applicant's attorney requests a review of the final rejection made in an Office Action dated June 12, 2003 for the above-identified patent application. The rejections in the Office Action were made final, even though the Office Action contains new grounds of rejection.

Applicants' attorney notes that no amendments were submitted in the Applicant's previous response submitted on April 14, 2003. Instead, Applicants' attorney invoked 35 U.S.C. §103(c) to eliminate U.S. Patent No. 6,275,818 (Subramanian) as a prior art reference, and submitted a Statement of Common Ownership in support thereof.

07/14/2003 RBALL11 00000001 090460 09669556

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According to M.P.E.P. §706.07(a), if such a Statement is filed in reply to the 35 U.S.C. 102(e)/103 rejection and the claims are not amended, the Examiner may not make the next Office action final if a new rejection is made. Consequently, the final rejection was premature, and Applicant's attorney respectfully requests its withdrawal.

This Petition is being submitted by facsimile, and thus Applicant's attorney requests that any required Petition fees be charged to the Assignee's Deposit Account No. 09-0460 (IBM Corporation). Any other fees should be charged to Deposit Account No. 09-0460 as well.

Respectfully submitted,

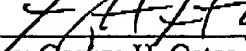
David E. Simmens

By his attorneys,

GATES & COOPER LLP

6701 Center Drive West, Suite 1050  
Los Angeles, California 90045  
(310) 641-8797

Dated: June 24, 2003

By:   
Name: George H. Gates  
Registration No.: 33,500

**Gates & Cooper** LLP

Howard Hughes Center  
6701 Center Drive West, Suite 1050  
Los Angeles, California 90045

**FAX TRANSMISSION TO USPTO**

TO: Commissioner for Patents  
Attn: Examiner Cindy Nguyen  
Patent Examining Corps  
Facsimile Center  
Washington, D.C. 20231

FROM: George H. Gates  
OUR REF.: STL919990184  
TELEPHONE: (310) 642-4146

***EXPEDITED PROCEDURE***

Total pages, including cover letter: 5

PTO FAX NUMBER: 703 746 7238

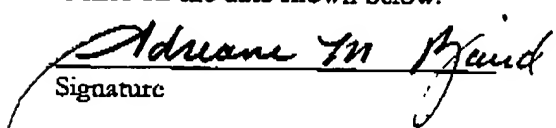
If you do NOT receive all of the pages, please telephone us at (310) 641-8797, or fax us at (310) 641-8798.

Title of Document Transmitted:	PETITION UNDER 37 C.F.R. 1.181 AND AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT FOR ANY REQUIRED FEES
Applicant:	David E. Simmen
Serial No.:	09/669,556
Filed:	September 26, 2000
Group Art Unit:	2171
Our Ref. No.:	STL919990184

By: 

Name: George H. Gates  
Reg. No.: 33,500

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on the date shown below.

  
Signature

GHG/amb

6/24/03  
Date

G&C 30571.272-US-U1

Due Date: August 12, 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Official

Applicant: David E. Simmen Examiner: Cindy Nguyen  
Serial No.: 09/669,556 Group Art Unit: 2171  
Filed: September 26, 2000 Docket: STL919990184  
Title: QUERY OPTIMIZATION TECHNIQUE FOR OBTAINING IMPROVED CARDINALITY  
ESTIMATES USING STATISTICS ON AUTOMATIC SUMMARY TABLES

RECEIVED  
6-24-03

## CERTIFICATE OF MAILING OR TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being filed via facsimile transmission to the U.S. Patent and Trademark Office  
on June 24, 2003.

By: GHG  
Name: George H. Gates

MAIL STOP AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

We are transmitting herewith the attached:

- ☒ Transmittal sheet, in duplicate, containing a Certificate of Mailing or Transmission under 37 CFR 1.8.  
☒ Petition Under 37 C.F.R. 1.181.

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers, if appropriate.

Please charge all fees to Deposit Account No. 09-0460 of IBM Corporation, the assignee of the present application. A duplicate of this paper is enclosed.

Customer Number 22462  
GATES & COOPER LLP  
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6701 Center Drive West, Suite 1050  
Los Angeles, CA 90045  
(310) 641-8797

By: GHG  
Name: George H. Gates  
Reg. No.: 33,500  
GHG/amb

G&amp;C 30571.272-US-U1

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